

REMARKS

This Response is submitted in response to the Office Action mailed on September 1, 2006 as clarified by the Office Action of September 21, 2006.

Applicants note for the record that Applicants' undersigned attorney telephoned the Examiner with respect to the original Office Action, which was a restriction requirement. In this regard, Applicants' attorney pointed out that the Patent Office had not considered the Preliminary Amendment entered with the filing of this application on February 22, 2005 and therefore requested that the restriction requirement be withdrawn and a new Office Action issued.

The Patent Office, in the Office Action dated September 21, 2006, states:

...the amended claims filed on February 22, 2005 are inappropriate because there is no apparent relationship between the original claims and the amended claims. The discrepancies between the two claim sets are so stark that the amended claims appear to be independent from the originally-filed claims. Of note on the record, the originally-filed claims commence on page 41 and terminate on page 46 with 37 claims; the amended claims commence on page 77 and terminate on page 84 with Claim 32. For the reasons stated above, Applicant is hereby notified that the restriction requirement mailed on September 1, 2006 will not be vacated but will stand valid until the issue with the improper amendment to the claims is resolved.

The patent application as published in the international phase had 37 claims, as noted by the Patent Office above. However, amendments were made under Article 34 on May 13, 2004. The Article 34 amendments were attached to the Preliminary Examination Report which was submitted with the application on February 22, 2005. As amended in the international phase, there are 29 claims. Applicants' Preliminary Amendment was based on the claims as they were amended under Article 34 and as Applicants believe the claims stood when they were nationalized in the U.S. Patent Office.

Accordingly, Applicants respectfully submit that the Preliminary Amendment was proper and the proper claim set, the claim set based on the Article 34 amendment, was used. Therefore, Applicants respectfully request that the restriction requirement be vacated and a new Office Action issued based on the Preliminary Amendment as submitted on February 22, 2005.

To the extent the Patent Office has any questions, Applicants respectfully request the Patent Office contact Applicants' undersigned attorney.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 02-1818.

Respectfully submitted,

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By 

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